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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (iii)
PART II—Section 3—Sub-section (iii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 15]
No. 15]

नई दिल्ली, बुधवार, मई 17, 2023/वैशाख 27, 1945
NEW DELHI, WEDNESDAY, MAY 17, 2023/VAISAKHA 27, 1945

भारत निर्वाचन आयोग

अधिसूचना

नई दिल्ली, 3 मई, 2023

आ.अ. 15(अ).—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106(क), धारा 111 के साथ पठित, के अनुसरण में, भारत निर्वाचन आयोग एतद्वारा वर्ष 2019 की निर्वाचन याचिका सं. 5 में केरल उच्च न्यायालय के निर्णय दिनांक 12.04.2023 को प्रकाशित करता है।

(संलग्न निर्णय/आदेश यहां मुद्रित करें)

[फा. सं. 82/केएल-एचपी/5/2019/2023]

आदेश से,

बिनोद कुमार, सचिव

ELECTION COMMISSION OF INDIA**NOTIFICATION**

New Delhi, the 3rd May, 2023

O.N. 15(E).—In pursuance of Section 106 (a) read with Section 111 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission of India hereby publishes the Judgment of the High Court of Kerala dated 12.04.2023 in the Election Petition No. 5 of 2019.

(HERE PRINT THE JUDGMENT/ORDER ATTACHED)

[F. No. 82/KL-HP/5/2019/2023]

By Order,

BINOD KUMAR, Secy.

JUDGMENT

This election petition has been filed challenging the result of the election of the respondent from 13 Idukki Parliamentary Constituency under Sections 100(1)(b) r/w 123(6) of the Representation of the People Act, 1951 (for short 'the Act').

2. The petitioner filed I.A.No.1 of 2022 to withdraw the election petition. Notice of the withdrawal application has been served to the respondent. But he did not oppose the application. Thereafter, this Court fixed the date of hearing and directed the petitioner to make publication in the official gazette. Accordingly, gazette notification has been published. The case was posted to 02.02.2023, but nobody appeared in response to the publication. This Court was satisfied that I.A.No.1 of 2022 has not been induced by any bargain or consideration which ought not be allowed. Hence, after hearing both sides, L.A.No.1 of 2022 was allowed and withdrawal of the election petition has been granted as per the order of this Court dated 02.02.2023. Thereafter, the petitioner was directed to publish the notice of withdrawal in the official gazette as contemplated under Section 110(3)(b) of the Act. After publication, the gazette notification has been produced on 28.02.2023. Fourteen days have been elapsed and no person has been substituted as petitioner as per clause (c) of Subsection (3) of Section 110 in place of the party withdrawing.

3. Hence, the Registry is directed to report the fact of withdrawal of Election Petition No.5 of 2019, challenging the result of the election of Sri.Dean Kuriakose from 13 Idukki Parliamentary Constituency to the Election Commission. The Election Commission shall publish the report in the official gazette as contemplated under Section 111 of the Act.

This election petition is dismissed as withdrawn.

Sd/-

Dr. KAUSER EDAPPAGATH, JUDGE